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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,716	04/09/2004	Tercsa Amorin	1219309-0006	1536

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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
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3751

MAIL DATE	DELIVERY MODE
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05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/821,716	Applicant(s) AMORIN, TERESA	
	Examiner Huyen Le	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/24/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2003334149 in view of JP 2002165729.

The JP 2003334149 reference discloses a disposable liquid-absorbent matting in proximity to the toilet base, wherein the liquid-absorbent matting absorbs liquid spills and exhibits a perceptible indication in response to absorption of liquid spills.

Although JP 2003334149 reference does not disclose a footprint indicia located on either side of the matting for instructing a user to stand on the footprint during use of the toilet, attention is directed to the JP 2002165729 reference which teaches an absorbent mat comprising footprint indicia on either side of the mat during use of the toilet.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide footprints on the JP 2003334149 mat in view of the teaching of JP 2002165729 for instructing a user to stand on the footprint during use of the toilet. The footprints would inherently instruct any user (e.g. a toddler) to stand on the footprints of the mat in order to suitably position the user with respect to the toilet.

The method for training a toddler to urinate into the toilet would be inherently performed during the normal use of the modified matting device as described above.

Response to Arguments

3. Applicant's arguments filed 01/24/2007 have been fully considered but they are not persuasive. Regarding to applicant's arguments that there is no inherency in JP or JP2 of a method of training a toddler and the claimed method is not inherently disclosed by the prior art apparatus, examiner disagrees with applicant. The JP2003334149 reference discloses a disposable liquid-absorbent mat in proximity to the toilet base for exhibiting a perceptible indication in response to absorption of liquid spills but does not disclose footprints. However, the JP2002165729 reference teaches an absorbent mat comprising footprint indicia on either side of the mat during use of the toilet. Therefore, it would have been obvious to incorporate the footprints of the JP2002165729 reference with the JP 2003334149 mat for instructing a user to stand on the footprint during use of the toilet. The footprints on a toilet mat are would tell a user to stand on and position oneself to match the footprints. The color change on the toilet mat when wet would tell a user a urine spill on the mat. In this case, the footprints and the color change on the toilet mat are the sign languages that would inherently instruct and tell a toddler how to use the mat. Furthermore, If parents wanted to train a toddler with a potty training device such as a color changing mat with footprints, the parents would tell the toddler to stand on the mat with his foots aligned with the footprints and to pay attention to the color change of the mat when the toddler misses the toilet and urinates on the mat.

Regarding applicant's arguments that JP1 and JP2 do not disclose a toilet mat being disposable and while the present application defines the mat being "any material intended to be used until soiled, that is, a small number of time, or ever a single time, single-use or otherwise disposable, as distinguished from a mat or rug of fabric that wouldn't ordinarily be intended to be used only once or a small number of time until soiled", examiner disagrees with applicant. Applicant has read more from the specification into the claim. The term "Generally" precedes the discussion in paragraph 0017 of the present application so there is no special definition here. The first definition of the word "disposable" in Merriam-Webster refers to "subject to or available for disposable". Anything regardless of its material is "available for disposable" after use. It means that it can be thrown away after use if no longer needed. Therefore, a mat or rug of fabric that wouldn't ordinarily be intended to be used only once or a small number of times until soiled meets the claim limitation for being disposable because it is capable of being disposed of after use.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Huyen Le
Primary Examiner
Art Unit 3751

HL